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Date: March 7, 2007

FACSIMILE COVER LETTER

Facsimile Number: 571-273-8300

To: U.S. Patent and Trademark Office


From: Mr. Daniel J. Stanger, Reg. No. 32,846
MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.

Re: USSN 10/781,677
Attorney Docket No.: 500.43519X00

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the following listed documents are being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

Request for Withdrawal of Finality of Office Action (First Action After Filing RCE)


Daniel J. Stanger
Reg. No. 32,846

March 7, 2007
Date

Total Number of Pages (including cover sheet): 4

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500.43519X00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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MAR 07 2007

Applicants: K. KITAMURA et al.
Serial No.: 10/781,677
Filed: February 20, 2004
For: METHOD AND DATA PROCESSING SYSTEM WITH DATA
REPLICATION
Group: 2162
Examiner: D. Myint

**REQUEST FOR WITHDRAWAL OF FINALITY OF OFFICE ACTION
(FIRST ACTION AFTER FILING RCE)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

March 7, 2007

Sir:

The Applicants have received an Office Action, mailed February 7, 2007, which has been made final. The Applicants request withdrawal of the finality of the Office Action in light of the following remarks.

The present Office Action is immediately subsequent to the filing of a Request for Continued Examination (RCE) with a proper submission and fee under 37 CFR §1.114 (RCE and Preliminary Amendment filed November 21, 2006). In order to make the Office Action final, however, the conditions set forth in Manual of Patent Examining Procedure (MPEP) §706.07(b) must be met. Specifically, the claims may be finally rejected in the first Office Action after the filing of an RCE where all claims are drawn to the same invention as finally rejected and would have been properly finally rejected on the grounds and art of record in the next Office Action.

U.S. Application No. 10/781,677

In the present application, substantial amendments were made to claims 1-2 and 22, and new claims 23-25 were added. As a result, a new rejection of claims 22 and 25 under 35 U.S.C. §101 was required; a new rejection of claims 1-2 and 22 under 35 U.S.C. §103(a) (over Maurer III et al., U.S. Patent Publication No. 2003/0065780 in view of Marshall et al., U.S. Patent Publication No. 2003/0135478 and newly-cited Yanai et al., U.S. Patent No. 5,742,792) was required; and a new rejection of claims 23-25 under 35 U.S.C. §103(a) (over Maurer in view of Marshall, Yanai, and newly-cited Janssen, U.S. Patent Publication No. 2003/0163510) was required. Indeed, the Office Action notes the requirement for the new grounds of rejection (page 2, Item 3: "Applicant's arguments filed on 21 November 2006 have been considered but are moot in view of the new ground(s) of rejection."; page 13, Item 9: "Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action." Accordingly, the finality of the Office Action appears to be premature, and the Applicants respectfully request withdrawal.

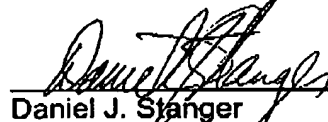
In addition, the Applicants request a reset of the statutory period for response to coincide with the mailing date of the Reply to this Request, so that the Applicants have a full response period in which to determine the next course of action for the application.

U.S. Application No. 10/781,677

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Mattingly, Stanger, Malur & Brundidge, P.C., Deposit Account No. 50-1417 (referencing attorney docket no. 500.43519X00).

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.



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